REMARKS

A.   Telephone Interview

On February 2, 2007, Applicant's representatives, Frank DeRosa and Jon Gordon, conducted a telephonic interview with Examiner Weisberger. The subject of the interview was the outstanding rejections of all pending claims under 35 U.S.C. § 102(b) as anticipated by a Bloomberg Financial Markets Commodity News publication, or, in the alternative, as obvious over that publication. As discussed in the Response filed July 6, 2006, there are two Bloomberg Financial Markets Commodity News publications of record. These two publications, collectively referred to herein as "the Bloomberg News documents," are titled *Bloomberg Offerings on Money Markets -- BOOM <GO>* ("the *BOOM* Document") and *Buyside Bids Wanted* ("the *Buyside Bid Wanted* Document") Applicant's representatives sought the interview to clarify the grounds for rejection stated in the Advisory Action mailed on January 5, 2007, and the relationship between those grounds and the grounds for rejection stated in the final Office Action mailed on April 5, 2006.

The Examiner expressed concern regarding publication dates of the Bloomberg News documents and whether any subject matter of the claims in this application had been put into public use as part of the services described in the Bloomberg News documents.. The Examiner also expressed concern about a service called "Bloomberg BondTrader" ("BBT") that is described in the document titled *eCommerce in the U.S. Fixed Income Markets* (of record).. Specifically, he wanted to know if BBT included a search feature that would return offerings of multiple dealers.

Applicant's representatives responded that as far as they know BBT lacked such a feature, and proposed filing an RCE accompanied by a response that addressed his concerns, including providing more information about BBT.

B.   Claim Rejections

In the April 5, 2006 final Office Action (the "final Office Action"), the Examiner rejected claims 1–12, 14, and 16–20 under 35 U.S.C. § 102(b) as anticipated by Bloomberg Financial Markets Commodity News, or, in the alternative, as obvious over that publication. Claims 13, 15, and 21–26 were withdrawn from consideration following the applicant's election in response to a restriction requirement. Applicant traverses the claim rejections and respectfully requests reconsideration thereof in view of the following.

C.   No Printed Publication Described the Claimed Invention More Than One Year Before the Priority Date of August 30, 2000.

This application claims priority under 35 U.S.C. § 119(e) from provisional U.S. patent application no. 60/229,173, which was filed on August 30, 2000. To be considered disqualifying prior art under section 102(b), a printed publication that describes the claimed invention must have been published before August 30, 1999. Similarly, to be disqualifying prior art under this section, any public use of the claimed invention must have taken place before that same date, August 30, 1999.

The evidence already in the record shows that any public use of the claimed invention or any description of the claimed invention in a printed publication took place after August 30, 1999. In the final Office Action, the Examiner rejected the pending claims as anticipated by a publication that the Examiner referred to as "Bloomberg Financial Markets Commodity News." (Office Action, p. 2, ¶ 4.) Bloomberg Financial Markets Commodity News is a series of publications, however, and Applicant disclosed two issues (the *BOOM* Document and the *Buyside Bids Wanted* Document) from this series on sheet 3 of the Information Disclosure Statement that she filed on January 20, 2004 (the "IDS"). Applicant respectfully submits that neither document anticipates the claimed invention under 35 U.S.C. § 102(b).

The *Buyside Bids Wanted* Document

The *Buyside Bids Wanted* Document is listed on the first line of sheet 3 of the IDS. This document, published in 1998, neither discloses nor suggests the claimed invention. For example, claim 1 reads:

> A computer system useful for evaluating trading interests, comprising: a buyer terminal having an output device for presenting offerings of the interests and an input device for entering one or more investment criteria; and a computer coupled to the buyer terminal, a data store coupled to the computer including offerings of a plurality of trading parties, the computer including programming for selectively identifying from the data store offerings of the plurality of trading parties responsive to the investment criteria of all trading parties for presentation together on the output device.

The *Buyside Bids Wanted* Document fails to disclose or suggest, among other things, investment criteria and programming for selectively identifying from the data store offerings of the plurality of trading parties responsive to the investment criteria. Instead, the *Buyside Bids Wanted* Document discusses a system that enables a portfolio manager to solicit bids for bonds from dealers. (*See, e.g., Buyside Bids Wanted* at 1.) The portfolio manager may manage lists of dealers entitled to see such solicitations, post such solicitations, send alerts to dealers regarding new solicitations, delete such solicitations, and review a list of bids received. (*See id.*) Conversely, a dealer may choose whether to receive solicitations, alerts, both, or neither, review solicitations, submit a bid in response to a solicitation, and review the bids that dealer has submitted. (*See id.* at 9–10.)

Applicant respectfully submits that selection according to investment criteria—*i.e.*, searching for suitable offers—is nowhere disclosed or suggested in the *Buyside Bids Wanted* Document and that this printed publication therefore fails to anticipate the claimed invention.

The *BOOM* Document

The *BOOM* Document is listed on the sixth line of sheet 3 of the IDS. This document describes a liquidity platform for buyers of commercial paper. (*See BOOM* Document at 1.)

Because the *BOOM* Document was first published after August 30, 1999, however, it can not serve as a disqualifying "printed publication" under 35 U.S.C. § 102(b), and it is not available for determining obviousness under 35 U.S.C. § 103.

Observing that the *BOOM* Document bears no publication date, the Examiner asserted that the publication date of the *BOOM* Document was indicated in the IDS and was August 1, 1998. (Office Action at p. 3, ¶ 5.) The date "August 1, 1998" does appear in the listing of the *BOOM* Document on the IDS, but including this date was a mistake. In fact, the *BOOM* document was not published on this date, and we regret any ensuing confusion.

To the contrary, the record shows that the earliest possible publication date of the *BOOM* Document was January 28, 2000. The *BOOM* document depicts screens from the BLOOMBERG PROFESSIONAL® service. Inventor Susanne Vindekilde, in her Declaration dated July 5, 2006 (the "Declaration"), which was filed as part of the Response to the final Office Action, states that "the screens depicted in the BOOM document are historical." (¶5.) In other words, each depicted screen actually appeared to a user of the BLOOMBERG PROFESSIONAL® Service. The *BOOM* Document could therefore not have been prepared until after each depicted screen had actually appeared.

The first page of the *BOOM* Document depicts a screen from the BLOOMBERG PROFESSIONAL® Service. In the lower right corner, this screen shows the date and time at which this image was captured, which was 8:28 AM on January 28, 2000. This establishes that the *BOOM* Document could not have been prepared before January 28, 2000, and, by extension, could not have been published before August 30, 1999. For this reason, the *BOOM* Document may not serve as a disqualifying "printed publication" under 35 U.S.C. § 102(b), and it is not available for purposes of determining obviousness under 35 U.S.C. § 103.

D. The First Public Use of the Claimed Invention Took Place After August 30, 1999.

The *BOOM* Document

Although the *BOOM* Document can not be used as a printed publication under 35 U.S.C. § 102(b), the Examiner appears additionally to consider the document to be evidence that the claimed invention may have entered public use before August 30, 1999. This possibility is foreclosed, however, by other information in the record. Specifically, on September 7, 2005, Applicant responded to the Office Action of March 8, 2005, and this response included the applicant's Response to Request for Information Under 37 C.F.R. § 1.105. In this response, Applicant disclosed that "the Bloomberg Offering on Money Market (BOOM) system was tested starting in September 1999 and then entered non-experimental use." (Response to 3/8/05 Office Action at 11.) In other words, experimental use, which fails to constitute public use (*see, e.g.*, MPEP 8th ed. [R-3] § 2133.03(e)), took place after August 30, 1999, and the first public use, which took place after the experimental use, also took place after August 30, 1999. Thus, the claimed invention was not placed into public use more than one year before the priority date.

Bloomberg BondTrader

Another publication, entitled "eCommerce in the U.S. Fixed Income Markets," is listed on the third line of sheet 3 of the IDS. In the teleconference with Applicant's representatives on February 7, 2007, the Examiner expressed concern that a service called "Bloomberg BondTrader" ("BBT"), which was described in this publication, may anticipate the claimed invention. However, the documentation for BBT, which is attached to this response, rebuts any such concern.

Appendix A is the latest version of the help pages printed from the BLOOMBERG PROFESSIONAL® Service for BBT. The documentation discusses that BBT is a tool for monitoring bid and offer prices for global government bonds (*see* Appendix A, Bloomberg BondTrader at 3), and for trading such bonds electronically (*see id.* at 1.) The documentation discusses a monitoring screen and the procedure for trading through BBT. (*See generally id.* at 1–19.) Significantly, the document fails to disclose or suggest entering one or more investment

criteria or a computer including programming for selectively identifying from a data store offerings of a plurality of trading parties responsive to the investment criteria of all trading parties, as set forth in claim 1. In fact, the only references to any sort of searching are references to the search facility provided by BOOM itself. (*See id.* at 14.)

Rather than providing a search facility, BBT presents a user with a monitor that displays information about a selection of bills, notes, and bonds. (*Id.* at 1.) To take any action related to a particular security, the user clicks on that security's display. (*See id.* at 3.) In response, BBT presents a list of bids and offers for that computer from dealers who have enabled that user to see their prices. (*See id.*)

The BBT help pages describe an "inquiry ticket," but they also show that an inquiry ticket is entirely unrelated to searching. (*See id.* at 7–8.) Rather, an inquiry ticket is the means by which a user sends a price inquiry, related to a specific security, to one or more dealers. (*See id.*) A user creates an inquiry ticket by clicking on the displayed bid or ask price for the security. (*See id.* at 7.) The system then sends the inquiry ticket to one or more dealers, based on the user's preset preferences, who respond with a bid and an offer for the security. (*See id.*) The user does not search for the security, the dealer, the price, or any other attribute of the transaction.

Appendix B describes the Bloomberg Bondtrader Mortgage Platform ("BBTM"), which provides the functionality of BBT, but for U.S. mortgage-backed securities issued by Fannie Mae, Ginnie Mae, and Freddie Mac. Like BBT, BBTM does not support entering one or more investment criteria or a computer including programming for selectively identifying from a data store offerings of a plurality of trading parties responsive to the investment criteria of all trading parties, as set forth in claim 1. (*See generally* Appendix B, Bloomberg Bondtrader Mortgage Platform at 1–7.) Similarly, the documentation for the related Bloomberg Bondtrader Profile ("BBTD"), included as Appendix C discloses only a facility by which a user can make certain persistent settings to reflect personal preferences, and fails to disclose or suggest any facility for searching. (*See generally* Appendix C, Bloomberg Bondtrader Profile at 1–13.)
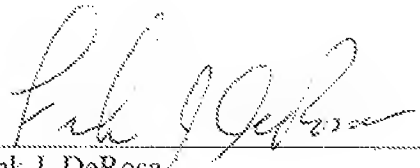
It is therefore respectfully submitted that BBT does not anticipate BOOM.

E.   Conclusion

For these reasons, the applicant respectfully requests that the Examiner withdraw the rejections and allow the claims. To expedite prosecution of this application, the Examiner is invited to call the applicant's undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Date: April 4, 2007

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